

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Remedial Steps for Failure to Comply)	MM Docket No. 02-113
With Digital Television Construction)	
Schedule)	

To: The Commission

REPLY COMMENTS OF NEXSTAR BROADCASTING GROUP, L.L.C.

Nexstar Broadcasting Group, L.L.C. (“Nexstar”), by its attorneys, hereby submits these reply comments in the Commission’s above-referenced rulemaking proceeding regarding proposed remedial measures for broadcasters who fail to meet their DTV build-out requirements.¹

Nexstar is the indirect parent of the licensees of fourteen medium and small market television broadcast stations.² Nexstar believes the Commission’s proposal to institute sanctions and remedial measures on stations that do not meet their DTV construction deadlines and do not demonstrate extraordinary or compelling circumstances for such failure does not adequately consider the special needs of broadcasters such as Nexstar that own several small market stations. It appears that other commenters have not addressed this issues. Accordingly, Nexstar hereby submits these reply comments in this proceeding.

¹ *Order and Notice of Proposed Rulemaking*, MM Docket No. 02-113, rel. May 14, 2002 (“NPRM”).

² Nexstar’s indirect subsidiaries are the licensees of television broadcast stations WBRE-TV, Wilkes-Barre and WJET-TV, Erie, Pennsylvania; WROC-TV, Rochester, New York; KQTV, St. Joseph and KSNF, Joplin, Missouri; WTOO, Terre Haute, Indiana; WCIA, Champaign, WCFN, Springfield and WMBD-TV, Peoria, Illinois; and KFDX-TV, Wichita Falls, KTAL-TV, Texarkana, KTAB-TV, Abilene, KBTV-TV, Port Arthur and KMID, Midland, Texas.

Nexstar is committed to initiating digital service on its stations as expeditiously as possible. However, financial and personnel constraints limit Nexstar's ability to initiate DTV broadcasts simultaneously for all fourteen of its stations. Therefore, Nexstar has developed and initiated a plan to phase-in digital operations for all its stations. Under this plan, Nexstar initiated digital broadcasts at two of its stations prior to the May 1, 2002 construction deadline for commercial DTV stations. Nexstar anticipates initiating DTV broadcasts for an additional six of its stations by December 1, 2002 (its extension deadline). However, Nexstar anticipates that its remaining stations will not commence digital operations until some time in 2003. Therefore, Nexstar will be requesting a second extension of time for some of its stations.

In the present proceeding, the Commission proposes sanctions beginning with admonishment, increasing to fines and culminating in the eventual forfeiture of DTV (and analog) licenses for broadcasters that do not meet their digital construction deadlines and do not have adequate justification. However, the NPRM does not address whether the Commission will consider a group owner's effort as a whole before imposing sanctions on any one station in the group, or whether the Commission intends to impose sanctions on one station that is part of a larger group and most of the group's other stations have initiated digital operations.

The Commission should consider the DTV build out record of an entire group when it evaluates a group owner's future requests for extension of time. Further, the Commission should clarify that it will not impose sanctions on one station in a group if most of the stations in the group have begun digital broadcasts and the owner is making a good faith effort to initiate DTV operations for its remaining stations. Such a group evaluation will allow the Commission to consider the overall effort a group owner has made in obtaining necessary capital and/or allocating funds from the group's operating budget for the group's digital transition; the owner's

work with vendors in the orderly scheduling and delivery of equipment; and the availability of the group's senior engineering personnel to supervise the installation of digital facilities at each station. Moreover, evaluation on a group basis will allow the Commission to consider whether the group owner is making good faith efforts in initiating digital operations for its entire station group before determining whether to impose sanctions on any one station which is part of a larger broadcast group.

Commission clarification that it will consider a station group owner's requests for further extensions of time to construct DTV facilities on an entire group basis, not just an individual station basis, will allow group owners such as Nexstar to continue the orderly implementation of digital operations for their stations without fear of unwarranted sanctions.

Respectfully submitted,

**NEXSTAR BROADCASTING
GROUP, L.L.C.**

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